

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

**NRP HOLDINGS LLC and
NRP PROPERTIES LLC,**

Plaintiffs,

v.

**CITY OF BUFFALO, BYRON W. BROWN, STEVEN
M. CASEY, DEMONE A. SMITH, RICHARD A.
STENHOUSE, BUFFALO JEREMIAH PARTNERSHIP
FOR COMMUNITY DEVELOPMENT, INC., CITY OF
BUFFALO URBAN RENEWAL AGENCY, JOHN DOES 1-
10, and JOHN DOE COMPANIES 1-5,**

Civ. No 11-CV-472(WMS)

Defendants.

DECLARATION OF THOMAS S. LANE

Thomas S. Lane, makes this Declaration under penalties of perjury, pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted to practice law in New York State and before this Court and a partner in the law firm Webster Szanyi LLP, attorneys for Plaintiffs NRP Holdings LLC and NRP Properties LLC (“NRP”). As such, I have personal knowledge of the prior pleadings and proceedings in this action and the matters stated below.

2. I file this declaration in opposition to the Fed. R. Civ. P. 12(c) motions to dismiss filed by Defendants City of Buffalo, Mr. Brown, Mr. Casey, and Mr. Smith (the “City Defendants”) (Dkt. 112) and the City of Buffalo Urban Renewal Agency (“BURA”) (Dkt. 116.)

3. The assignment agreement between Plaintiffs and Belmont was produced on February 1, 2013 - more than **two years** before Defendants filed these motions.

4. Attached hereto as Exhibit A is an email dated March 31, 2009, production numbered COB001922 – 1924.

5. Attached hereto as Exhibit B is an email dated April 28, 2009, production numbered COB032004.

6. Attached hereto as Exhibit C are excerpted pages from Byron Brown's deposition transcript, pgs. 103-112, 123-131, 134-135, 198-203, 211-218, 227-230, 267-268, 275-284, 288-289, and 309.

7. Attached hereto as Exhibit D is a letter dated February 9, 2009 regarding St. Martin Village.

8. Attached hereto as Exhibit E is a letter dated February 25, 2008, production numbered COB002511-2512.

9. Attached hereto as Exhibit F is an April 21, 2008 City of Buffalo Office of Strategic Planning Project Briefing, production numbered COB004101-4112.

10. Attached hereto as Exhibit G are excerpts from City of Buffalo Mid-City NRSA Report, production numbered COB004175-79; 4249-50.

11. Attached hereto as Exhibit H is City of Buffalo Stimulus Package Proposal Announcement.

12. Attached hereto as Exhibit I is an email dated August 25, 2008 attaching the August 20, 2008 Commitment from the New York State Division of Housing and Community Renewal ("DHCR") for the necessary LIHTC, production numbered NRP14985-14994.

13. Attached hereto as Exhibit J is a letter dated February 21, 2008 identifying properties to be included in the Project, production numbered COB007648-7652.

14. Attached hereto as Exhibit K is a letter dated April 2, 2009 from the City of Buffalo City Planning Board, production numbered COB019505.

15. Attached hereto as Exhibit L is a letter from The City of Buffalo Department of Economic Development, Permit & Inspection Services dated April 29, 2009, production numbered COB001838.

16. Attached hereto as Exhibit M is an approval letter from the Buffalo Fiscal Stability Authority dated April 6, 2009, production numbered BFSA233.

17. Attached hereto as Exhibit N is an email dated March 19, 2009, production numbered COB025238.

18. Attached hereto as Exhibit O is an email dated March 12, 2009 attaching the HUD Request for Release of Funds, production numbered COB016634-36.

19. Attached hereto as Exhibit P is BURA March 12, 2009 Meeting Minutes, production numbered NRP – Mediation 00064-68.

20. For the reasons set forth in the accompanying Memorandum of Law, Defendants' motions to dismiss should be denied in their entirety.

Dated: September 9, 2015
Buffalo, New York

s/Thomas S. Lane
Thomas S. Lane